

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE
July 14, 2000

IN RE:)
)
PETITION OF KNOXVILLE INFORMATION AND)
REFERRAL, INC. FOR ALLOCATION OF AN N11) **DOCKET NO. 99-00743**
NUMBER)

**ORDER APPROVING REALLOCATION OF N11 NUMBER (211) TO
KNOXVILLE INFORMATION AND REFERRAL, INC. AND ALLOCATING
N11 NUMBER (511) TO NATIONAL TELEPHONE ENTERPRISES**

This matter came before the Tennessee Regulatory Authority (the "Authority") at the regularly scheduled Authority Conference held on February 1, 2000 upon the Petition of Knoxville Information and Referral, Inc. ("KIR") for allocation of an N11¹ number in the Knoxville area pursuant to BellSouth Telecommunications, Inc.'s ("BellSouth") General Subscriber Services Tariff A39 (Abbreviated Dialing) ("BellSouth's Tariff").

KIR's Petition

KIR filed its Petition on October 7, 1999. The Petition states that KIR is a duly qualified and authorized Tennessee non-profit corporation that intends to serve Knox County and its contiguous counties by providing free information and referral guidance to people in need of social services and other assistance from a centralized source. KIR states that its service will relieve strain on Knox County's E911 emergency services and eliminate confusion about community service agencies.

¹ As explained in the Interim Order of the Tennessee Public Service Commission ("TPSC") in TPSC Docket No. 92-13892, entered on October 20, 1993, "N11 refers to a subset of dialing codes used in the public telephone network which begin with any number between 2 and 9 and are followed by two ones."

In order to provide its service, KIR seeks allocation of the 211 abbreviated dialing code for the Knoxville area. KIR recognizes that, in Authority Docket No. 98-00554, the Authority allocated the 211 code in Knoxville, Nashville, Memphis, and Chattanooga to National Telephone Enterprises (“NTE”) for NTE’s voice personal dating services. At the regularly scheduled Authority Conference held on April 1, 1999, NTE’s application for the 211 code was granted by a 2-1 vote of the Directors,² subject to the requirements of BellSouth’s Tariff. The Authority’s Order in Docket No. 98-00554, entered on June 22, 1999, allocated the 211 code to NTE with the condition that N11 numbers are subject to recall from general use on six months notice or by order of the Federal Communications Commission or any requirement established by the Administrator of the North American Numbering Plan (NANPA).

KIR asserts that NTE has not complied with the requirements of BellSouth’s Tariff. BellSouth’s Tariff requires that within thirty (30) calendar days of the assignment of an N11 number by the Authority, “the N11 subscriber must initiate a service request order which will determine the subscriber’s provisioning date,” and this date must be within ninety (90) calendar days of the date of assignment. The tariff further states:

If, during or at the end of this 90-day period, the N11 subscriber has failed to establish service or decides to discontinue service establishment, the N11 number will be recalled and the number will be considered available for reassignment . . .

KIR asserts that, to its knowledge, NTE did not initiate a service request order with BellSouth within thirty (30) days of its assignment of the 211 code by the Authority and that NTE did not establish service using the 211 code within ninety (90) days of its assignment by the Authority. KIR submits that, pursuant to BellSouth’s Tariff, the 211

² Director Kyle did not vote to approve NTE’s application.

code should be recalled and considered available for reassignment. Alternatively, KIR states that should the 211 code be unavailable for any reason, KIR requests allocation of an alternative N11 code, and requests that this code be 511.

Following KIR's Petition, the Authority issued two data requests to BellSouth regarding NTE's establishment of N11 service. On November 9, 1999, BellSouth stated in response to the Authority's Second Data Request that, with respect to N11 service in Knoxville, NTE signed a contract with BellSouth for N11 services on October 29, 1999 and that the contract did not specify a provisioning date. BellSouth also stated that NTE elected to use existing facilities in conjunction with N11 service in Knoxville and that no further action by NTE was necessary for the establishment of N11 service. BellSouth further stated that NTE had submitted all necessary orders for provision of N11 service in Knoxville as of October 29, 1999 and that BellSouth had not yet filled those orders. BellSouth stated that it would continue filling the orders unless the 211 number was recalled by order of the Authority. Finally, BellSouth stated that NTE contacted BellSouth immediately upon the Authority's assignment of the 211 number and stated its intention to establish service, first in Memphis and Nashville, and then in Knoxville and Chattanooga.

NTE's Response

On December 28, 1999, NTE filed its Response to KIR's Petition. Alluding to BellSouth's responses to the Authority's Second Data Request, NTE disputed KIR's claim that NTE has not complied with BellSouth's Tariff. NTE stated that BellSouth never indicated to NTE that its requests for N11 service had not been accepted by BellSouth in accordance with BellSouth's Tariff and that NTE had relied upon and

followed BellSouth's practices concerning N11 service order processing and provisioning. NTE further stated that assigning the 511 number to KIR would be in the public interest because of the services KIR could provide and because 511 was still available. NTE contended that revoking NTE's 211 number would be against the public interest because it would result in disruption of service, cause economic harm to a provider of information services, and harm competition in the telecommunications market. On this basis, NTE asked the Authority to reject KIR's request that the 211 code be recalled or, in the alternative, that the 211 code in Knoxville be assigned to KIR on the condition that the 511 code in the Knoxville area be assigned to NTE.

Criteria for Allocation of N11 Numbers

The Authority considers allocation of N11 numbers pursuant to an Interim Order issued on October 20, 1993 by the Tennessee Public Service Commission ("TPSC") in TPSC Docket No. 92-13892. The TPSC Interim Order lists seven factors which must be used for selecting the most qualified applicant for allocation of each N11 number in each local calling area. The Authority finds that KIR satisfies the criteria of each of these seven factors, as discussed below:

Overall financial fitness, both historical and future: KIR states that it has a commitment of approximately \$225,000 from Covenant Health Systems and expects to receive substantial contributions from other Knoxville area hospital systems. KIR has formed an affiliation with the United Way of Greater Knoxville, which KIR states has agreed to provide \$50,000 per year of funding for the first two years and to fund all fees necessary to utilize and maintain an N11 abbreviated dialing code. KIR expects

additional funding from the City of Knoxville and Knox County. KIR states that it will also solicit contributions from private and corporate donors.

Overall ability (technical and otherwise), and willingness to provide service on a permanent and continuous basis: KIR expects to contract with Park Med, P.C. ("Park Med"), a for-profit corporation which operates in Knoxville to provide hospital-based clinical services. Park Med will provide KIR with the call center component to deliver referral services twelve hours per day, seven days per week. Service will expand to twenty-four hours per day, every day of the year, if demand warrants. In a draft proposed contract, Park Med is described as currently providing call center services to hospitals, physician groups, managed care organizations, insurance companies, business, and industry. KIR would provide a Director of Information and Referral Services, a resource person, and a consistent panel of volunteers to collect and enter data into Park Med's computer system.

Ability and willingness to comply with any applicable [TRA] rules or policies: KIR states that through its directors, officers, and advisors it has reviewed and is familiar with the rules and regulations of the Authority as well as the BellSouth Tariff as it applies to N11 service and is willing to comply with these and future rules.

The rates, services and collection practices to be utilized by the service provider in providing N11 service: KIR states that it proposes to provide free information and referral services to residents of Knox and surrounding counties, centralizing and facilitating the delivery of information and referral of available social services, which will further enhance the delivery of social services to people in need.

The extent and duration of the applicant's service to the local community included in the N11 calculation: Although it is a start-up non-profit company, KIR's purpose and mission is to serve as the central point of contact in the community for linking people in need with appropriate human services. KIR states that its board and its supporters are committed to providing a valuable service to the community.

Anticipated future uses by the community of the proposed service; and the provider's overall experience in providing information to this community: KIR anticipates that the national growth of information and referral services will support the designation by the Federal Communications Commission of "211" as the universal access number for community social service providers in the area to enhance and improve the delivery of beneficial services to the community.

The type of information services to be provided over N11 and its relative value to the public and local community: KIR states that with or without an abbreviated dialing code, the demand for efficient information and referral is clearly documented as evidenced by the fact that Knoxville's E911 services receive over 200,000 non-emergency calls each year.

Findings

Based upon careful consideration of the Petition and the Exhibits thereto, and of the entire record of this matter, the Authority finds and concludes that KIR's Petition meets the criteria set forth in the TPSC Interim Order in Docket No. 92-13892, entered on October 20, 1993, and therefore should be approved.

This matter came before the Authority at a regularly scheduled Authority Conference held on February 1, 2000. At that Conference, the Directors voted

unanimously to grant allocation of the 211 code in the Knoxville area to KIR and to allocate the 511 code in the Knoxville area to NTE. The Authority also cautioned NTE that NTE may not be viewed as a high-priority provider of N11 services and that should a service more dedicated to the public service arise in the future, the Authority may invoke the conditions placed on NTE's allocation in the Authority's June 22, 1999 NTE Order in Docket No. 98-00554.

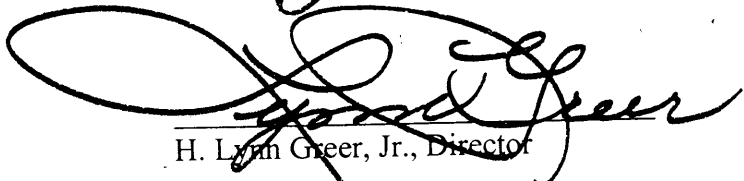
IT IS THEREFORE ORDERED THAT:

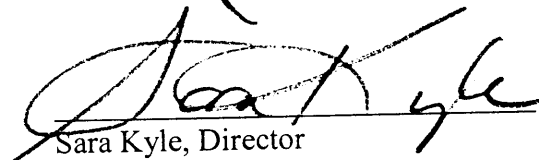
1. The Application of Knoxville Information and Referral, Inc. for allocation of the N11 dialing code "211" in the BellSouth exchange of Knoxville is granted subject to the requirements of BellSouth Telecommunications, Inc.'s Abbreviated Dialing Tariff A39;
2. The allocation of the N11 dialing code "211" in the BellSouth exchange of Knoxville, previously granted to National Telephone Enterprises in Authority Docket No. 98-00554, is revoked;
3. The N11 dialing code "511" in the BellSouth exchange of Knoxville is allocated to National Telephone Enterprises, subject to the requirements of BellSouth Telecommunications, Inc.'s Abbreviated Dialing Tariff A39 and the requirements set forth in the Authority's Order entered on June 22, 1999 in Docket No. 98-00554;
4. N11 numbers are subject to recall from general use on six months notice or by order of the Federal Communications Commission or any requirement established by the Administrator of the North American Numbering Plan (NANPA);

5. Any party aggrieved with the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within fifteen (15) days from the date of this Order; and

6. Any party aggrieved with the Authority's decision in this matter has the right of judicial review by filing a Petition for Review in the Tennessee Court of Appeals, Middle Section, within sixty (60) days from and after the date of this Order.


Melvin J. Malone, Chairman


H. Lynn Greer, Jr., Director


Sara Kyle, Director

ATTEST:


K. David Waddell, Executive Secretary